Supreme Court, U. S.
FILED
OCT 14 1980
MICHAEL RODAK, JR., CLERK

80-724

No.

In the

Supreme Court of the United States

OCTOBER TERM, 1980

ANABEL McCUTCHEON,

Plaintiff-Petitioner,

vs.

1. BOARD OF EDUCATION CITY OF CHICAGO
2. CAREY B. PRESTON
3. MARGARET WILD
4. HERBERT JOHNSON
5. HENRY McGEE
6. JOSEPH P. HANNON
7. WILLIAM ROHAN
8. GERARD J. HEING
9. NINA JONES
10. CHICAGO PRINCIPALS Local 2. AFL-CIO
11. SAMUEL DOLNICK
12. JOHN CAREY
13. THOMAS NAYDER
14. CATHERINE ROHTER
15. EDGAR G. EPPS
16. CARMEN VELASQUEZ
17. LOUISE MALIS
18. JAMES F. REDMOND
19. GUY BRUNETTI
20. MICHAEL WRENN
21. JAMES MOFFAT
22. THOMAS FINNEGAN
23. BESSIE LAWRENCE
24. ANGELINE CARUSO
25. OTHO ROBINSON
26. SHIRLEY STACK
27. VINCENT J. CONROY

Defendants-Respondents.

Appeal from the United States Court of Appeals for the Seventh Circuit.
Judge ROBERT A. SPRECHER
Judge WILLIAM A. BAUER
Judge HARLINGTON WOOD

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

ANABEL J. McCUTCHEON, PRO SE
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Glenview, Illinois 60025
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The Scheffer Press, Inc.—(312) 263-6850

Respectfully requests oral presentation before the Court

QUESTIONS FOR REVIEW

1. WHETHER THE ALL MALE COURTS PREJUDICIALLY ERRED BY THE DISCRIMINATORY APPLICATION OF RULES* FOR DEFENDANT MALE ATTORNEYS VS. FEMALE *PRO SE* PLAINTIFF, WHOSE ATTORNEYS, RETALIATION CHARGES WERE DISMISSED BEFORE TRIAL AS ALLEGED "GRIEVANCES" AND WHOSE APPEAL WAS DISMISSED WITHOUT CONSIDERATION OF THE RECORD OR TRIAL EVIDENCE.

2. WHETHER H. STUART CUNNINGHAM, CLERK OF THE U.S. DISTRICT COURT, CONSPIRED WITH DEFENDANT ATTORNEYS TO SUPPRESS THE EVIDENCE:

a) by the alleged "loss" of 900 pages of documents, Dec. 17, 1979 (p.m. transcript, pp. 71-229) the first day of trial and the striking of the same (reconstructed documents and 14 pre-trial transcripts from the record on appeal, April 1979—April, 1980 (App. F, p. 43a) violating the amendment motion granted by Judge Leighton and the Rules of the Circuit Court, Rule 4 to submit the complete record in his possession.

b) by eliminating a 15th trial transcript exhibit (consolidated 78 C 3894) evidence of the DENIAL OF DUE PROCESS of the Illinois Tenure Laws (detailed in the transcript); the Illinois School Code,

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* Docketing and Appearances (App. C, p. 32a, App. A-4, A-5, A-6, pp. 13A and ff).
Extension of Time (App. D-1, D-2, U.S. Supreme Court Rule #29)

§ 34-85 (App. I, p. 77a) and the Board *Rules*, #4-21. (p. 10)

3. WHETHER THE PLAINTIFF WAS DENIED A FAIR APPEAL AND EQUAL REPRESENTATION BEFORE THE COURT BY THE DISMISSAL OF 25 INDIVIDUAL DEFENDANTS-APPELLEES ON THE MOTIONS OF DEFENDANT COUNSEL, WHO HAD FAILED TO FILE ANY APPEARANCE FOR ANY INDIVIDUAL AND HAD FAILED TO SEPARATE THEM FROM THE BODY POLITIC BOARD OF EDUCATION (App. A-4 through A-6).

4. WHETHER THE CHICAGO FINANCE AUTHORITY IS AUTHORIZED BY THE STATE TO HONOR "SECRET" OR RETROACTIVE CONTRACTS WITH LAW FIRMS: PAUL HEINEKE AND THOMAS BROWN TO REPRESENT INDIVIDUALS DEFUNCT BOARD MEMBERS, AGENTS, EMPLOYEES, WHO MAY NOT BE IN COMPLIANCE WITH STATE AND FEDERAL LAWS: AFORESAID CONTRACTS MADE BY THEMSELVES TO DEFEND THEMSELVES AT PUBLIC EXPENSE.

5. WHETHER THE INDIVIDUAL DEFENDANTS ARE THE RECIPIENTS OF ILLEGALLY TRANSFERRED STATE AND FEDERAL FUNDS IN THE FORM OF LEGAL FEES, SERVICES, COURT COSTS IN VIOLATION OF BOARD *RULES*, 2-12 (p: 10) AND THE ILLINOIS STATE STATUTES, Chap. 122: §34-49 (p. 9) and §34-85 (App. I, p. 77a)

6. WHETHER THE $160,000 CONTRACT WITH BUSINESS "MAN", JOSEPH MAHRON, (and likewise the past contract with businessman, JOSEPH HAN-

NON, 1975) MADE WITH THE DEFUNCT BOARD OF EDUCATION IS VALID OR CIRCUMVENTS THE EQUAL PAY ACT OF 1964 AND THE ILLINOIS FAIR EMPLOYMENT PRACTICES ACT, INVOKED FOR THIS COMPLAINT BECAUSE, BOTH MEN WERE POLITICALLY APPOINTED BY DEFENDANTS WITHOUT EQUAL ECONOMIC OPPORTUNITY FOR BUSINESS "WOMEN", STATE CERTIFIED AND BETTER QUALIFIED THAN BOTH "JOES".

Pursuant to Rule 28 of the United States Supreme Court:

> "c) In any proceeding in this Court wherein the constitutionality of any statute of the State is drawn in question, and the State or any agency (SCHOOL FINANCE AUTHORITY), officer (JOSEPH MAHRON), or employee (CHAIRMAN SFA, JEROME VAN GORKAM) thereof is not a party, the initial pleading, motion, or paper in this Court shall recite that 28 U.S.C. §2403 (b) may be applicable and shall be served upon the Attorney General of the State."

Petitioner is hereby serving this petition upon the Attorney General of the State of Illinois in regards to Questions #4, #5, and #6.

7. WHETHER THE ALL MALE CHICAGO JUDGES WERE COMPETENT AND UNBIASED (BEING POLITICALLY AFFILIATED WITH THE CITY OF CHICAGO) TO JUDGE THE MERITS OF THE PRECEDENT SETTING ISSUES (COMPLICATED BY THEIR OWN ERRORS OF CONSOLIDATION) RAISED BY A WOMAN *PRO SE* PLAINTIFF IN HER APPELLATE COURT BRIEF:

ISSUES PRESENTED FOR REVIEW IN THE APPELLATE COURT

78 C 3894

1AC. Whether the Board and the Administrative Committee of Board Members . . . had jurisdiction, cause, and authority to deprive Plaintiff, a tenured teacher, of a teaching job under the Illinois Revised Statutes, 1975, Chap. 122: § 34-85 (p. 9) and the Board Rules, § 4-21, (p. 10)

2AC. Whether the Court of Judge Leighton had jurisdiction on Nov. 3, 1978 to consolidate this single TEACHING JOB CAUSE with a Title VII four-year-old SCHOOL PRINCIPAL JOB CAUSE when this individual cause was not transferred to him by Executive Committee Decision until Nov. 8, 1979 [Transcript, Nov. 3, 1978] and to deny Plaintiff a public jury trial by reason of this consolidation with a Title VII complaint.

3AC. Whether the Court erred in dismissing all Defendants before trial for alleged immunity as "quasi-judges" based on the Plaintiff's authorities denying immunity: *Butz* v. *Economu* and *Hampton* v. *Hanrahan.*

4AC. Whether Plaintiff was denied a fair trial and equal representation before the Court when Attorney James Scanlon (not the attorney of record) was permitted to argue the same question that Plaintiff was denied; was permitted to create evidence after the fact of Plaintiff's Deprivation of a Teaching Job, 1976-1979 by arguing a "Res Judicata" and furthermore by not presenting any evidence of that "Res Judicata" (Transcript, Jan. 24, 1980)

5AC. Whether the Court erred in denying Plaintiff a TRO for a teaching/administrative job, June 24, 1977.

6AC. Whether the Court erred by denying Plaintiff a rehearing and reconsideration of the dismissal of the Union, Oct. 20, 1978 and other Defendants in view of the subsequent testimony of THOMAS FINNEGAN on Dec. 20, 1979 (p. 639ff of the trial transcript).

7AC. Whether the Court erred in dismissing the Union, Count II, by summary judgment based on the false affidavit of SAMUEL DOLNICK, alleging no discrimination on the basis of sex.

8AC. Whether the Court erred in dismissing SAMUEL DOLNICK based on his allegations that he was not an employee of the Board (Docketed May, 1978).

9AC. Whether the Court erred in limiting complaint to the date of March, 1972: The Date of Effectiveness of the Fair Labor Standards Act.

10AC. Whether the Court erred by dismissing the charges against certain defendants, Count IV, on the basis of absolute immunity, March 15, 1978, precluding Plaintiff from bringing any evidence against them and then dismissing them again on December 27, 1979 for reason of no evidence brought against them (Transcript, Dec. 27, 1979 a.m.)

11AC. Whether the Court denied Plaintiff a fair trial by its preferential treatment of Defendants in the "matter of the order of the presentation of evidence"; by its failure to hear Plaintiff's "grievances" (Count I, item 10 d) concerning her dismissal from the service 1977 following her EEOC charges, 1974-1975 and then dis-

missing Defendants because no evidence of sexual discrimination was brought against them.

12AC. Whether the Court erred in permitting Defendant SHIRLEY STACK to create evidence after the fact of her refusal of an interview, 1975, to Plaintiff for the principalship of the Von Steuben High School by alleging woman principals at the Roosevelt and Disney Magnet School, 1979.

13AC. Whether the Court denied Plaintiff a fair trial when Judge Leighton left the bench to stop the cross-examination, impeachment of Defendant VINCENT J. CONROY about his establishment of higher salaries for men, Sept. 1, 1971.

14AC. Whether the Court erred in supporting Defendants' refusal to approve Plaintiff's Objectives (which established her rate of pay) following her EEOC charges, 1974, when she was dismissed (Charge 2) for failure to have MALE APPROVAL (HEING, ROHAN) of those same objectives submitted, 1975-1976 (Transcript Dec. 20, 1979 Testimony of Defendant BESSIE LAWRENCE, Deputy Superintendent).

15AC. Whether the Court erred in dismissing Defendant WILLIAM ROHAN after he admitted that he ordered the Assistant Principal at Audubon, JOHN KULA, to remove and disperse improperly $2575.00 in Audubon School Funds, Sept. 26, 1976 to which Plaintiff was a contributor and for which Plaintiff was held accountable for an alleged "loss" a year later (BUT THE MEN NEVER ACCOUNTED FOR THE SCHOOL FUNDS REMOVED).

16AC. Whether the "moonlighting" jobs: summer schools, evening school and social centers, left out of the Classifications, 1971-1972 and reserved exclusively for male principals KARL SIEWERS, NORMAN SILBER, WILLIAM BLOCK, DON RACKY, AL CHARNES, DON WATERS, by male District Superintendents who assigned them discriminatingly disguised larger salaries.

17AC. Whether the Court prejudicially erred in permitting Defendants to create evidence after the fact of the EEOC Charges, 1974: Complaint, 1976; Plaintiff's Dismissal, 1977: of six newly created female principals and a female district superintendent, District Three, 1978-1979, whose salaries were alleged equitable.

18AC. Whether the Court denied Plaintiff a fair trial when it denied her the right to impeach male subordinate, TEACHER THOMAS FINNEGAN; to question his qualifications to be an administrator (Rule 4-20, p. 10) under the State Statutes; to violate the Court order, Board confidentiality of Principals' Personnel Files.

19AC. Whether the Defendants proved that the Administrative Compensation Plan was a "bonafide" merit Plan, replacing seniority raises and was implemented equitably for male and females in District Three.

20AC. Whether the Defendants maliciously, knowingly committed career and economic rape of woman Plaintiff and other women reduced in salary, position, and reputation by an admitted Discriminatory ACP (Bd. Rep. 74-469-7 Pl's X of 50 pages)

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78 C 3894

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79 C 4763

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76 C 4763

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Appeal from the United States Court of Appeals for the Seventh Circuit.
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Judge HARLINGTON WOOD

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Comes Now, Anabel J. McCutcheon, on her own behalf, and respectfully petitions this Honorable Court to issue a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit to reveiw that Court's decision in Appeal #80-1482, *Anabel J. McCutcheon* v. *The Board of Education, City of Chicago; The Chicago Principals Association, Local 2, AFL-CIO; Et. Al.* 25 individuals, *supra,* which was summarily dismissed without consideration of the Record, Plaintiff's Brief and motions against above named individuals, who failed to file an appearance in conformance with Circuit Court Rules (App. A-4 through A-6, pp. 13 Aff.)

That Defendant Attorneys Board of Education failed to separate ten Defunct Board Members, two former General Superintendents, an Acting Superintendent and present staff members from the Body Politic Board.

That the ten Defunct Board Members hold a proven conflict of interests with that Body Politic and the common good because they were fired by the Illinois State Legislature in a precedent setting action, May 1, 1980 for the mismanagement of funds, personnel and that firing was upheld by the Illinois Supreme Court by a "Res Judicata" (79 Ill. 2d., 188 *Polich* v. *Chicago Finance Authority*), which authorized the creation of a Chicago Finance Authority by the Illinois Legislature and raised some questions of federal law, that should be settled in this Court; pursuant to Rule 17.1.

That the cause of Defendants' firing by the Illinois Legislature was the same cause as Petitioner's Title VII "prima facie case" (so declared by Judge Leighton, Dec. 27, 1979) and her other consolidated complaints, 1971-1979 wherein She Is The Female Victim of the Mis-

management of Personnel and Funds, not only in the discriminatory, But Overpayment of Salary to Male Principals, District Three, 1971-79 under as admitted discriminatory Administrative Compensation Plan, #74-469-7, Plaintiff's admitted Exhibit #902, Dec. 17, 1979, which the Clerk of the District Court failed to submit to the U.S. Circuit Court of Appeals, along with 900 pages of other documents, Public Payrolls, 1971, 1972, 1973, 1974, 1975, W-2 Forms of Trial Evidence. (Alleged "Supplementary" in Defendants' Motion, App. A-7, p. 17a).

That this appeal was summarily dismissed on June 26, 1980 on Defendants' inaccurate allegations not based on any record in evidence without consideration of Plaintiff's Answer as ordered for June 30, 1980 (App. D, p. 36A).

Pursuant to Rule 17.1 of the United States Supreme Court wherein a federal court has departed from the accepted and usual course of judicial proceedings and sanctioned such a departure by a lower court as to call for an exercise of this Court's power of supervision:

Petitioner seeks consideration of this Petition for Writ of Certiorari.

OPINIONS BELOW

The United States Court of Appeals Entry is not reported and is printed in Appendix A, p. 1a. It was entered on June 26, 1980.

Plaintiff's Motion for a Rehearing in the USCA was filed on June 30, 1980. The Appellate Court denied a rehearing on July 14, 1980. It is printed in Appendix D-3, p. 37a.

The order of the United States District Court dismissing "two" consolidated cases is not reported and is printed in Appendix B, p. 20a. It was entered on Feb. 28, 1980 and that entry is reproduced in Appendix B-1 to show the date stamp of the Court: the date having been altered by the CLERK OF THE COURT [Appendix F-2] and the DEFENDANTS in their Appellate Court Motion for Dismisal [App. A-1, p. 4a] that the Court granted on June 26, 1980.

Plaintiff's Motion for a Rehearing in the USDC on the DISMISSAL of ALL DEFENDANTS was filed March 12, 1980. It is reproduced in Appendix B-2 to show the true date stamp of the Court: the date having been altered to March 14, 1980 by the Defendants, error of Judge Leighton, and the CLERK OF THE COURT [App. B, F]. It failed to be docketed in 78 C 3894 [App. F-4, F-5] although the JUDGMENT ORDER of Judge Leighton included "two [App. B, p. 20A] "cases brought to trial WITHOUT A JURY".

The order denying Plaintiff a Rehearing in the USDC was made on March 21, 1980 and was entered March 25, 1980 in 76 C 4763, but failed to be docketed in 78 C 3894. It is reproduced in Appendix B-3, p. 28a.

Plaintiff's Notice of Appeal was filed March 31, 1980 and included all Defendants BOARD and UNION. It is reproduced in Appendix B-4, pp. 29a. It failed to be docketed in 78 C 3894.

JURISDICTION

1. Pursuant to Rule 58 and the precise instructions of Judge Leighton, January 21, 24, 1980: Plaintiff filed a

Motion for Rehearing March 12, (App. B-2, p. 22a) within fourteen days of the docketing [Feb. 28, 1980] of the Judgment Order [App. B, p. 20a].

2. The Plaintiff's Motion for Rehearing was denied on March 21 [App. B-3, p. 28a], docketed on March 25 and Plaintiff filed on March 31, 1980 NOTICE OF APPEAL [App. B-4, p. 29a] within ten days of the DOCKETING of the denial of a rehearing.

[Pursuant to Rule 29 "Computation and Enlargement of Time", #1: Plaintiff's NOTICE OF APPEAL (excluding the time allowed for rehearing) was filed within the 30 days of the docketing of the Judgment Order Feb. 28:

> "the last day (Sunday March 30) of the period so computed is to be included, unless it is a Sunday or federal legal holiday, in which event the period runs until the end of the next day (March 31)".

Please note that the Appellate Court denied Petitioner her due process rights of appeal based on the inaccurate allegations of the Defendants WITH NO RECORD IN EVIDENCE.

3. On April 4, 1980 Board Defendant Attorney Heineke, without any notice to Petitioner: argued Plaintiff's March 12th Motion for Rehearing on behalf of the UNION WHOM HE DIDN'T REPRESENT.

That on the same date, the Court of Judge Leighton erred in issuing a second order of denial (in April) of a rehearing allegedly for the "dismissal of the Union" when Plaintiff's only (MARCH) Motion for Rehearing included all DEFENDANTS BOARD and UNION [App. B-4, p. 29a]

That IN THIS MANNER, the Defendants suppressed the TRIAL EVIDENCE of criminal negligence of overpayment of male principal, KARL SIEWERS [Et. Al.-15] of $10,000 [$1,000,000 per year] and his discriminatory representation, 1977-1979 by the "MEN'S CLUB" UNION at the same time the BOARD was firing FEMALE PETITIONER, following her EEOC charges and the UNION failed to represent HER against the same BOARD.

The documents of the Plaintiff's 1978 Affidavit, concerning the dismissal of the Union before trial were also "missing" from the Court file and were not submitted to the USCA when reconstructed for Appeals 78-2467, 78-2545, 78-2583, 78-2584) or to the U.S. Supreme Court (78-1705, 79-0125) pursuant to Rule 19.1 although $260 in Docketing Fees were paid to both Courts and $10 was paid for certification to U.S. Supreme Court.

That in a prejudicial manner, Judge Leighton permitted only Defendant Attorney Heineke TO SPEAK on Plaintiff's Motion for Rehearing, March 14 denied the same Motion for Rehearing, March 21; and without notice to Plaintiff, permitted Defendant Attorney Heineke to argue the same motion, April 4, creating a jurisditcional defense of an alleged untimely appeal IPSO POST FACTO after the NOTICE OF APPEAL, March 31.

These two transcripts of March 14, April 4, 1980 have been certified to the U.S. Supreme Court, pursuant to Rule 19.1 from the Clerk of the District Court, WHO FAILED TO SUBMIT THEM TO THE USCA in violation of Circuit Court Rule, #4 and the Court Order [App. F, p. 43a]

Appendices B, C, E, F, and H are reproduced exactly because of the failure of the CLERK OF THE COURT to docket the entries accurately, or because of their elimination from the record. Please note the date stamp of "H. STUART CUNNINGHAM, CLERK OF THE U.S. DISTRICT COURT" reproduced exactly as entered herein and not as the Defendants inaccurately alleged in their Motion to Dismiss [App. A-1, p. 4a] that was granted by the Court without the RECORD IN EVIDENCE.,

Jurisdiction is invoked pursuant to Title VII of the Civil Rights Act of 1964, U.S.C. 2000 *et seq.;* the "Fair Labor Standards Act" as amended 29 U.S.C. 201 *et seq.* [App. I, and 28 U.S.C. § 1343]:

> "The district courts shall have the original jurisdiction of any person:
>
> 3) To redress the deprivation under the color of any state law, statute, or ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the U.S. or by any Act of Congress, providing for equal rights of citizens or of all persons within the jurisdiction of the United States;
>
> 4) To recover damages or to secure equitable relief under any Act of Congress providing for the protection of civil rights, including the right to work."

Jurisdiction is also invoked for deprivation of the rights of due process and equal protection guaranteed to the Plaintiff by 42 U.S.C. § 1983, § 1988:

§ 1983. Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or

Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

R.S. § 1979.

§ 1988. Proceedings in vindication of civil rights.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

The United States Court of Appeals Judgment was entered on June 26, 1980 [App. A, p. 1a] granting Defendants' Motion for an alleged untimely filing of Appeal by Plaintiff.

Plaintiff's Motion for a Rehearing was filed on June 30, 1980. Said Appeal was denied a rehearing on July 14, 1980.* [App. D-3, p. 37a]

Jurisdiction is sought for a petition of certiorari pursuant to 28 U.S.C. 2201 (1970):

> "In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

28 U.S.C. 2202 (1970):

> "Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment."

Pursuant to 28 U.S.C. §2101(c)—90 days from the date of action on the motion rehearing within which to file petition. This petition would then be due on Oct. 12, 1980, Sunday and Monday, federal court holidays.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution Amendment XIV: Definition of Citizenship

"Nor shall any State, deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

ILLINOIS STATUTES

34—85. Removal for cause—Notice and hearing—Suspension. [App. I, p. 77a]

Ill. Stat., 1975: 122: §34-49: Contracts, expense and liabilities without appropriations:

No contract shall be made or expense or liability incurred by the Board, or any member or committee thereof, or by any person for or in its behalf, notwithstanding the expenditure may have been ordered by the board, unless an appropriation therefore has been previously made. Neither the board, nor any member or committee, officer, head of Department [DEFENDANT MICHAEL J. MURRAY] or employee thereof shall during a fiscal year expend or contract to be expended any money, or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any of the purposes for which provision is made in the budget, in excess of the amounts appropriated in the budget. Any contract, verbal or written, made in violation of this section is void as to the board, and no moneys belonging thereto shall be paid thereon.

Sec. 2-12. Attorney's Appearance in Legal Proceedings. The Attorney shall appear for and protect the rights and interests of the Board of Education in all cases, suits, and proceedings brought by or against the Board of Education or any member, officer or employee in his official capacity; provided, however, that when a Board of Education employee is sued personally, even if the cause of action arises out of his official duties, the Attorney shall appear for such Board of Education employee only in case the Board of Education directs him to do so.

Sec. 4—20. Certificate Requisite to Appointment on Teaching Force. No person shall be appointed to any position on the teaching force without the appropriate certificate therefor, nor shall any person be advanced to a higher position for which an examination is provided than that specified in the certificate, without additional examination and proper certificate for such advanced position.

Sec. 4—21. Classification of Certificates. Certificates to teach in the Chicago Public Schools are classified as follows:

(a) Certificate of Principal. Service on this certificate shall continue the validity of any certificate of any of the following groups which may be in force during time of service as principal. The holder of the certificate of principal shall be eligible for appointment to any position for which a teacher's certificate is required, provided he meets the specific requirements of that position.

STATEMENT OF THE CASE

After seeking administrative relief through the grievance procedure in the *Memorandum of Understanding* between the Chicago Principals Union and the Chicago Board of Education from Sept. 1, 1971 to March 8, 1972 and through the Appeal Procedure of the Administrative Compensation Plan, 71-270, Sept. 1, 1972-January, 1973: Plaintiff was forced to file a civil suit (73 ch 1355) against the Board, the General superintendent, Deputy Superintendent, the Assistant Superintendent Personnel and the Salary Administrator for improper reduction of salary in an amount exceeding $1400 below her published salary, 1971-1972. This suit was called to trial, Sept. 1,

1976 by Judge Covelli, six days before Plaintiff was suspended for alleged misconduct without any specifications being brought against her until Sept. 16, 1976 in violation of Ill. Stat. § 34-85 [App. I, p. 77a]

When Plaintiff discovered this reduction [exactly 4.5%] was done to all women principals, District Three, she filed charges with the EEOC, June 15, 1974 (TCH 5-0061) [App. I, p. 65a, 79a] subsequently these charges were brought by a Title VII suit, Dec. 28, 1976 [76 C 4763] consolidated by Judge Leighton, Nov. 3, 1978-Nov. 30, 1979 with three other nontitle VII cases, 1978, filed for Plaintiff's Deprivation of a Means of a Livelihood, 1976-1978.

Board Suspension Proceedings, 76-866-1

Respondent, Anabel J. McCutcheon, was suspended on Sept. 7, 1976 without specifications by Petitioner former General Superintendent Joseph P. Hannon; then charged on Sept. 16, 1976 with ten counts of "Conduct Unbecoming a Principal". After a year-long hearing of 15 daily and one evening session before an Administrative Committee of Defendant Board Members: Carey B. Preston, Margaret Wild, Henry McGee, Herbert Johnson: McCutcheon was "dismissed from the service" as principal and teacher, tenured for 30 years. No charges were ever brought against her as a teacher in violation of Ill. Stat. § 34-85 [App. I, p. 77a]

On Sept. 28, 1978 Plaintiff brought a separate lawsuit for deprivation of the means of a livelihood as a Teacher (78 C 3894) which cause was consolidated on Nov. 3, 1978 by Judge Leighton Before It Was Transferred to him Nov. 7, 1978 after the fact of his consolidation. On

Nov. 3, 1978 a briefing schedule was made for the dismissal of all defendants in the three consolidated cases causing an additional delay of another year of pre-trial.

	Pre-Trial Motions	78 C 3894
76 C 4763	(Consolidated)	78 C 3899
		78 C 3955

Date	Transcript Filed	Date	Transcript Filed
6/24/77	12/ 8/77	5/11/79	5/11/79
11/ 1/78	1/05/79	7/ 6/79	9/10/79
11/ 2/78		7/13/79	9/17/79
11/ 3/78	1/10/79	7/20/79	9/17/79
2/ 9/79	2/22/79	8/27/79	9/10/79
2/15/79	Filed With Trial Transcript	9/14/79	11/ 4/79
2/30/79	Filed With Trial Transcript	11/ 2/79	Trial Transcript
4/20/79	4/20/79	12/ 7/79	Trial Transcript

The Trial

Date	Pages	Date	Pages
12/17/79 a.m.	1-70	1/ 3/80 a.m.	1421-1503
12/17/79 p.m.	71-229	1/ 3/80 p.m.	1504-1606
12/18/79 a.m.	230-310	1/ 7/80 a.m.	1607-1649
12/18/79 p.m.	311-453	1/ 8/80 a.m.	1650-1681
12/20/79 a.m.	585-676	1/21/80 p.m.	1-13
12/20/79 p.m.	677-832	1/24/80 p.m.	1-40
12/26/79 a.m.	933-912	1/21-1/31/80	1805-1842
12/26/79 p.m.	913-1042	2/25/80	
12/27/79 a.m.	1044-1145	3/14/80	NOT DOCKETED BY CLERK March 21, 1980
12/27/79 p.m.	1149-1234	3/31/80	NOT DOCKETED BY CLERK
1/ 2/80 a.m.	1235-1313	4/ 4/80	
1/ 2/80 p.m.	1314-1420		

The Court of Judge Leighton denied Plaintiff her constitutionally protected right to bring this charge, ignoring the discriminatory factors of harassment, retaliation, specifically written into the Illinois Fair Employment Practices Act: Ill. Rev. Stat., Ch. 48, §853 (a) [App. I, p. 77a]: "From the time she (Plaintiff) *began her career as a principal, she began filing grievances, complaints, and charges" (Transcript, pp. 1138-9: L 8-25; L 13-19). Judge Leighton, former CITY OF CHICAGO CORPORATION COUNSEL, denied her because she was a female, who objected to her salary being reduced [App. H, pp. 61a-63a] to raise the men's, Sept. 1, 1971 (BEFORE ANY "MERIT" EVALUATION). This Administrative Compensation Plan being conceived and implemented after a "Pilot Plan", 1969-1971 to circumvent the Equal Pay Act of 1963 and the Ill. Fair Employment Practices Act, effective Aug. 27, 1971. [App. I, p. 73a]— three days' previous to the reduction of females and the raises to all males, District Three.

Judge Leighton was also prejudiced by the ex parte communications he permitted Nov. 1, 2, 3, 1978 with his former colleagues Defendant Attorneys HEINEKE, BROWN and expresses this prejudice on p. 547: "We are talking about 'insubordination' and not sex discrimi-

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*Judge Leighton was in error: Plaintiff began her career, Sept., 1963 at $500 less than TWO MALE PRINCIPALS in the same office, same school, same seniority: EARL BORG at the HAVEN SCHOOL and RUDI JEZEK at the PERSHING SCHOOL. These grievances, complaints were not filed until 1971-1973 for REDUCTION OF SALARY $522.28, $780, $950. [Pl.'s Ex. Group 2, W-2 forms removed by Defendant Attorneys after being stapled to their exhibits to complete same A-H-36]

nation." Defendants deliberately confused the Court by alleging her principal's inequitable salary, 1971-1974 was a result of her alleged misconduct, insubordination, 1975-1976. No evidence of misconduct ever appeared in the Court record except in the perjurious testimony of Defendant THOMAS FINNEGAN, who stated that Petitioner received no merit raise earned 1972-1974 because she was suspended for misconduct. (1976). Documentary proof of this perjury was presented with Petitioner's own testimony on January 7, 1980.

REASONS FOR GRANTING THIS WRIT

The all male Courts erred by the discriminatory application of Rules for Defendant Male Attorneys:

a) by granting two 17-22 day extensions of time to male Defendant Attorneys Board and Union to file their briefs (App. D-1, D-2, p. 36a, 37a).

b) by permitting male Defendant Attorneys to file an untimely appearance (43 days' late) for the Defendant Union in violation of Rule 5 (App. C, pp. 32a).

c) by permitting male Defendant Attorney PAUL H. HEINEKE to file a motion for an extension of time (App. A-7, p. 17a) without an accompanying affidavit and without stating the exact due date of his brief in violation of Rule 8;

d) by permitting male Defendant Attorney THOMAS BROWN to file an admitted irrelevant "RESPONSE" to Defendant Attorney PAUL HEINEKE when both attorneys allege to represent the Defendant Board and are entering two arguments from the same Defendants in violation of Circuit Court Rules.

vs. Female Pro Se Plaintiff

e) by dismissing female *pro se* Plaintiff's appeal (App. A, p. 1a) on Defendant Attorney Heineke's inaccurate allegations that her brief was filed untimely 2 days' late; those 2 days being MEMORIAL DAY COURT HOLIDAYS, Sunday, May 25, 1980 and May 26, 1980 allowed by the U.S. Supreme Court Rule #29: "The last day of the period so computed is to be included, unless it is

a Sunday or a federal legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a federal legal holiday."

f) by accepting the unsubstantiated statements of male Defendant Attorney and failing to consider the District Court record/altered to favor Defendants as follows:

1) That the March, 1980 App. F-4, F-5; pp. 47a-48a was eliminated improperly by the Clerk of the District Court.

2) That the record was untimely-prematurely submitted on April 17, 1980, in violation of the Appellate Court Order (App. F, p. 43a) for an extension of time until April 21, 1980.

3) That the Clerk of the Court failed to submit 900 pages of exhibits, striking them improperly from the record, April 1979, 1980 after they were reconstructed after their alleged "loss", Dec. 17, 1979 and 14 pre-trial transcripts and a 15th transcript exhibit (78 C 3894) in his possession in violation of Rule #4;

THAT THE EVIDENCE "LOST" CONTAINED PUBLISHED SALARIES, W-2 FORMS AND FIVE BOARD OF EDUCATION PAYROLLS, DISTRICT THREE, FOR THE PERTINENT YEARS OF THE EEOC COMPLAINT, 1971, 1972, 1973, 1974, 1975 WHICH SHOWED NOT ONLY DISCRIMINATORY SALARIES, BUT MISUSE OF FUNDS, PERSONNEL FOR WHICH THE DEFUNCT BOARD OF EDUCATION DEFENDANTS WERE FIRED BY THE LEGISLATURE.

THAT THE EVIDENCE "LOST" CONTAINED DEFENDANTS' TRIAL EXHIBITS OF CREATED

EVIDENCE OF 26 OTHER DISTRICTS (PREJUDICIALLY ADMITTED BY JUDGE LEIGHTON) NOT INVOLVED IN THE COMPLAINT AND THE ESTIMATED (by Defendants), IMAGINARY, MONTHLY-YEARLY FIGURES OF DIFFERENT FEMALE PRINCIPALS, DIFFERENT SALARY SCALES, AND DIFFERENT TIME PERIODS, IPSO POST FACTO, 1978-1979: SUCH CREATED FIGURES (No one ever received a "monthly-yearly"; nor did ANY WOMAN PRINCIPAL, DISTRICT TREE, RECEIVE a 12-month salary THAT ALL MEN RECEIVED IN THE FORM OF SUMMER SCHOOL, NIGHT SCHOOL, AFTER SCHOOL PAY, SALARY FOR TRIPS TO PUERTO RICO, etc.) WERE COMPUTED SOLELY BY DEFENDANT THOMAS FINNEGAN, POLITICALLY APPOINTED TEACHER, HIMSELF OVERPAID AS ALLEGED ADMINISTRATOR.

Female *Pro Se* Plaintiff was denied the right to present, speak to her motion for Rehearing on March 14, 1980 (Transcript) at the same time that Defendant MALE ATTORNEY HEINEKE argued her motion "as dismissal of the Union" (changing the issue) BEFORE SHE PRESENTED IT. She was denied the right to present pre-trial motions because she was not an attorney and it was alleged she did not know the Law (July 6, 13, 20, 1979 transcripts). She was denied the right to speak, object BECAUSE SHE WAS FEMALE. Judge Leighton called her "insubordinate" because she questioned the political appointment of TEACHER FINNEGAN to administrative position without a certificate. How is a principal insubordinate to a teacher? (No evidence of insubordination was ever presented by Defendants except in "ex parte" communications with Judge

Leighton to achieve CONSOLIDATION without a motion or NOTICE TO PLAINTIFF). (Transcript, Nov. 3, 1978)

On March 21, 1980 the motion was denied (App. B-2, p. 22a).

On March 31, 1980 Plaintiff filed NOTICE OF APPEAL—exactly 30 days from the docketing (old rules) of the Judgment Order, Feb. 28, 1980—less Sunday, March 30, 1980 pursuant to the U.S. Supreme Court Rule #29, *supra.* (Not Counting Rehearing)

On April 4, 1980 JUDGE LEIGHTON HAD NO JURISDICTION TO HEAR THIS MOTION; JUST AS HE HAD NO JURISDICTION TO CONSOLIDATE 78 C 3894 ON NOV. 3, 1978, BEFORE THE EXECUTIVE ORDER OF TRANSFER, Nov. 8, 1978.

Teacher Dismissal

> "Hearing is Held and Concluded on the Motion for a preliminary injunction. The Plaintiff has not made a showing that this Court should exercise its equitable powers and issue a preliminary injunction to restrain a hearing that is proceeding in accordance with the law. For these reasons the motion is hereby denied."

(A complete copy of the Motion, Memorandum of Law is reprinted in App. G, page 49a-58a).

On June 24, 1977 Judge Leighton erred in ruling (above) that the suspension "hearing is proceeding in accordance with the law" after Plaintiff testified in the matter of all ten charges against her "for conduct unbecoming a principal" AND NO CHARGES WERE BROUGHT AGAINST HER AS A TEACHER WHILE

SHE WAS WRONGFULLY DEPRIVED OF A TEACHING JOB BY DEFENDANTS HANNON, JONES BEFORE DISMISSAL: the same HANNON, JONES that the Hay Report made by the Chicago Finance Authority condemned for personnel mismanagement.

The administrative hearing was not proceeding in accordance with the TENURE LAWS or the Illinois Statute (Chap. 122: §34-85, p. 14) because no charges were brought against the Plaintiff as a teacher. "Charges against a teacher not listed in a requested bill of particulars or in the original notice of charges may not be the basis for a dismissal for cause." *Aulwurm* v. *Board of Education,* 67 Ill.2d 143 (1977). *Grissom* v. *Board of Education,* 75 Ill. 2d 314 (1979: "A school board is without jurisdiction to dismiss a teacher where charges against him are remedial and the warning required by the statute is not given." The Appellate Court reversed the judgments against the teachers.

Judge Leighton also erred in ruling on the HEARING when no relief was sought from the hearing by a HARDSHIP INJUNCTION BROUGHT UNDER TITLE VII, but from Deprivation of a MEANS OF A LIVELIHOOD in a year-long hearing, in which Defendant CAREY B. PRESTON abused her authority. In June, 1977 the Defendants alleged that the PRINCIPAL's suspension hearing was not "related" to the Title VII complaint, filed June 15, 1974: whimsically, arbitrarily, and capriciously in Nov., 1978 they urged its consolidation "ex parte" to Judges Grady, Marshall, and Leighton: virtually admitting Plaintiff was fired because of her exercising her rights under Title VII.

Wherefore, Petitioner respectfully requests this Honorable Court to vacate the order of the Court and grant her the relief requested at the salary rate of the highest male principal (Normal Silber 1971—1979. (Exact figures are contained in Plaintiff's Answers to Union Interrogatories, March, 1978)

Discriminatory Pay

This Writ should be granted for the reasons that the cause of Defendants' Dismissal by the Illinois Legislature was the same cause as Petitioner's Title VII "prima facie case" (so declared by Judge Leighton, Dec. 27, 1979) which the Chicago offices of EEOC, U.S. Department of Labor (1974); HEW (1975); the Department of Justice (November, 1976) and the U.S. District Court (June 24, 1977) failed to investigate or to grant any redress for female reduction in salary, 1971-1974 confiscation of salary, 1974-1976; and an improper suspension-firing (Oct. 5, 1977—three years after this complaint was filed), vexacious delay, destruction of documents and harassment of POLITICALLY APPOINTED CITY ATTORNEYS, who have used UNLIMITED STATE AND FEDERAL FUNDS to continue perpetrating economic, career, and social RAPE of female Petitioner and who have maliciously prosecuted her for 3-4 years on two criminal charges (Suspension #1, 5)

The Chicago Finance Authority created by the Legislature and upheld by the Illinois Supreme Court in *Polich* v. *Chicago Finance Authority, supra,* made a consultant study of this mismanagement of funds through the Hay Associates, a Chicago Management Consultant Firm, who specifically named Defendants: JOSEPH P. HANNON, GUY BRUNETTI, NINA JONES, and JAMES

MOFFAT (for "moonlighting"); the latter man alleged "demoted" to a school principal's job (the highest administrative certificate—same as that held by the Petitioner for the same period of time, 1963—out of District Three). This alleged demotion brings no loss of salary or misconduct charges as were brought against women principals: BEULAH JONES and ANABEL J. McCUTCHEON, holding the same qualifications who were not "demoted" to a teaching position (78 C 3894), but were suspended and deprived of a means of a livelihood for 3-4 years by the same Defendants deliberately, maliciously perpetrating career, economic, and social rape of FEMALE PRINCIPALS, who filed discriminatory charges.

That Defendant JAMES MOFFAT, known as the "Hatchet-Man" for Defendant JOSEPH P. HANNON, signed both suspension complaints before the Board, although he has never been in their respective schools to supervise either Beulah Jones or Anabel J. McCutcheon.

That contrary to a Court Order (58 Ill. App. 3d 504 *Jones* v. *Hannon*) the Defunct Board or the present Board did not restore BEULAH JONES to her "school principal's position" but have placed her in a storeroom "office" at a job requiring only a high school education when they were denied a Petition for Certiorari in the U.S. Supreme Court.

The Defendant Union represented Karl Siewers, white male principal for overpayments of salary, salary benefits, pension of over $10,000 by Defendants CONROY, LAWRENCE, HEING, ROHAN—and STACK, who gave him alleged "merit" pay; but at the same time failed to represent Petitioner who had been refused any rating 1974 [After EEOC charges by same defendants].

That KARL SIEWERS, white male, has had no loss of salary by his misconduct; That JAMES MOFFAT, has been restored to the same office, same job of "MANAGEMENT SERVICES" (!) under the disguise of being an Assistant to Acting Superintendent DEFENDANT ANGELINE CARUSO. That these two men very definitely by their greed "damaged children" by placing the schools in a state of chaos for lack of money: JAMES MOFFAT being in charge of the federally funded programs and then the janitors, who were paid $3,000,000 in Feb., 1977 to sweep the floors of empty schools during the summer on 12-month salary DENIED FEMALE PRINCIPALS DISTRICT THREE, 1971-1974.

That all male salaries are continuing at the established figure of 1971 with subsequent % raises (seven) creating further discriminatory pay without a single salary schedule in effect for administrators. That the women have been intimidated into "keeping their mouths shut" by Plaintiff's firing, confiscation of her terminal pay, and the harassment of her witnesses by WILLIAM ROHAN and Defunct Vice-President, CAREY PRESTON.

CONCLUSIONS

Petitioner respectfully prays this Honorable Court to expedite this petition and restore her school's principal's position at Audubon at the top male salary, 1980, of Joseph P. Mahron ($100,000 per year and $60,000 residenaial benefit) and an interview for the position of General Superintendent in order to establish an equitable administrator's salary scale in compliance with the affirma-

tive action laws—because of past long inequities for the reasons:

1) the six-year delay of the EEOC TITLE VII (76 C 4763) initiated June 15, 1974 with EEOC) and the five year delay of Plaintiff's Deprivation of a TEACHER'S POSITION FOR ALLEGED "CONDUCT UNBECOMING A PRINCIPAL" and the DENIAL OF A JURY TRIAL TO WHICH SHE IS ENTITLED.

2) the questionable political appointment by City Hall of a "BUSINESS MAN" SUPERINTENDENT (without equal opportunity for qualified females) through residential benefit) and an interview for the position of the State Legislature—at a starting salary of $100,000 (of borrowed State Funds NOT CHICAGO EDUCA- the Defunct Defendant Board after their dismissal by (NEVER CONTRACTED FOR A WOMAN) of $60,000 to ESTABLISH RESIDENCE IN CHICAGO (whereupon he established resident in GLENVIEW)

WHEREAS:

FEMALE "ACTING" SPERINTENDENT ANGELINE CARUSO has a salary of $70,000 (after 30 years' service) with no residential benefit and is unable to live any place but CHICAGO with no job security as "ACTING". She holds the required STATE TEACHERS' ADMINISTRATOR'S CERTIFICATES, has 30 years' experience in the "business" of administering a school, a district of 20-25 schools, and an "Area" (⅓ of CHICAGO)—the smallest school (AUDUBON) budget being over $500,000 per month and her "businessman" experience, culminating in ⅓rd of that $550,000,000 during her years as Area "C" Superintendent. That Plain-

tiff, *Et. Al* WOMEN have equal experience which were never considered and were "AFRAID TO ASK" for more money or a single equitable salary scale because of the treatment of Petitioner, Beulah Jones, Et. Al. with experience and certificates the MALE POLITICALLY APPOINTED SUPERINTENDENTS MAHRON AND JOSEPH P. HANNON *DO NOT HAVE*: the requirements for administrative position being different for MALES vs. FEMALES in the CHICAGO PUBLIC SCHOOLS.

Certificate of Service

I hereby certify that I submitted 40 copies of the foregoing reconstructed petition of 30 pages in accordance with the changed rules and mailed three copies to the Attorneys of Record, Attorney General—filed Oct. 14, 1980.

Anabel J. McCutcheon

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